

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FILED

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UNITED STATES OF AMERICA

v.

JENNIFER TYSON

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Criminal No.

3 - 13 CR 471-K

FACTUAL RESUME

The defendant, Jennifer Tyson, has reviewed with her attorney, Eric M. Albritton, and acknowledges that she understands in order to establish her guilt for Count One of the information filed against her, namely: Conspiracy to Commit Theft Concerning Programs Receiving Federal Funds, 18 U.S.C. § 371 (18 U.S.C. § 666(a)(1)(A)), the government must prove each of the following elements beyond a reasonable doubt:

- First: The defendant and at least one other person made an agreement to commit the crime of theft concerning programs receiving federal funds, as charged in the information;
- Second: That the defendant knew the unlawful purpose of the agreement and joined in it willfully, that is, with the intent to further the unlawful purpose; and
- Third: That one of the conspirators during the existence of the conspiracy knowingly committed at least one of the overt acts described in the information, in order to accomplish some object or purpose of the conspiracy.

Source: Fifth Circuit Pattern Jury Instructions (Criminal Cases) (2012).

STIPULATED FACTS

Jennifer Tyson served as the Executive Director/Manager of the Rockwall Housing Development Corporation (RHDC) between June 2009 and November 2012.

The RHDC is a landlord to several authorized public housing agencies (PHAs) in Rockwall, Texas, which is on the Dallas Division of the Northern District of Texas. These PHAs, and, in turn, the RHDC, receive federal funds from the United States Department of Housing and Urban Development (HUD) through the “Housing Choice Voucher Program.” The RHDC owns and operates a 36-unit apartment complex in Rockwall, Texas, known as “the Meadows.”

Between March 2010 and October 2012, the RHDC received benefits in excess of \$10,000.00 under the United States Department of Housing and Urban Development Housing Choice Voucher Program, a federal program involving a grant, contract, subsidy, loan guarantee, insurance, or other form of federal assistance.

In her role as a director of the RHDC, Tyson was an agent of the RHDC. Tyson’s responsibilities included, among other things, reviewing and processing monthly housing assistance payments. This position provided her managerial discretion and responsibility for the day-to-day running of the Meadows. Ms. Tyson abused a position of trust, as defined in United States Sentencing Guideline §3B1.3, in effectuating the scheme.

Beginning in March 2010 and continuing thereafter until June 2011, Tyson knowingly and intentionally wrote approximately 128 RHDC checks, made out to Co-conspirator B, for an approximate total of \$126,063.00. Although Co-conspirator B

performed some work for the Meadows, including watering plants and picking up trash, as Tyson knew, Co-conspirator B did not earn and was not owed \$126,063.00 over the course of less than sixteen months. As Tyson knew, Tyson did not have authorization from the RHDC to make the vast majority of these payments to Co-conspirator B.

In most cases, following his receipt of the checks that were made out to him, Co-conspirator B knowingly and intentionally visited a local financial institution and cashed the RHDC checks given to him by Tyson. Tyson, Co-conspirator A, and Co-conspirator B knowingly and intentionally utilized the cash from the RHDC checks to purchase illegal narcotics for their own personal use. Tyson did not have authorization from the RHDC to use RHDC funds for such purposes. On many occasions, after cashing the checks, Co-conspirator B proceeded directly to purchasing the illegal narcotics. On other occasions, Co-conspirator B first returned the cash to Tyson before accompanying her to purchase the illegal narcotics. At Tyson's direction or with her consent, Co-conspirator B often retained a certain portion of the cash from the RHDC checks for his own personal use.

Beginning in February 2011 and continuing thereafter until January 2012, Tyson knowingly and intentionally wrote approximately 94 RHDC checks made out to "cash." Tyson knowingly and intentionally caused such checks to be cashed at a local financial institution and then used the proceeds for her own personal use. Tyson did not have authorization from RHDC to write such checks or use such funds for her own personal use.

Beginning in October 2009 and continuing thereafter until October 2012, Tyson knowingly and intentionally wrote approximately 55 RHDC checks made out to “reimbursement.” Tyson knowingly and intentionally caused such checks to be cashed at a local financial institution and then used the proceeds for her own personal use. Tyson did not have authorization from RHDC to write such checks or use such funds for her own personal use.

In January 2011, Co-conspirator A was evicted from the Meadows and began living with Co-conspirator B in hotels in Rockwall, Texas. Co-conspirator A and Co-conspirator B resided in hotels continuously between on or about January 27, 2011, and on or about May 24, 2011. Tyson would also occasionally visit the room reserved for Co-conspirator A. Tyson intentionally, and without authorization from the RHDC, paid for these hotel stays using RHDC funds. Tyson, Co-conspirator A, and Co-conspirator B often used illegal narcotics in these hotel rooms.

As a result of these actions, Tyson and her conspirators caused a total intended or actual loss or pecuniary harm of under \$200,000.00.

[no further information on this page]

This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support Tyson's guilty plea to Count One set forth in the information.



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December 2, 2013
Date



JENNIFER TYSON

Defendant

11/27/13
Date



ERIC M. ALBRITTON
Attorney for the Defendant

11/26/13
Date